

**WILLIAMSBURG CITY COUNCIL
WORK SESSION
APRIL 11, 2005**

The Williamsburg City Council held a work session on April 11, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany, and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads: Nester, Yost, Weiler, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

OPEN FORUM

Mayor Zeidler opened the comment session.

Mr. David Kranbuehl, 401 Harrison Avenue, expressed appreciation to the Mayor and Mr. Tuttle for the informative budget presentation to the Neighborhood Council. He thanked Mr. Chohany for his comments about taxes, the importance of residential neighborhoods, and quality of life. Mr. Kranbuehl encouraged a zero based budget. The city has a good tax structure and he was happy to pay city taxes. Our citizens are intelligent, support the city, and are happy to fund what is needed.

Mr. Gary Shelly, 205 Indians Springs Road, addressed Council regarding the college students in our community. They are a vital part of our economy. The students provide many volunteer hours in the community and share their talents to the benefit of young, old, poor, and others. He noted that William and Mary students raised enough money last year to fund the bone marrow screening drive at the college.

Mr. Shelly believes that students felt there was an anti-student feeling on the previous City Council, and that there is an anti-student attitude regarding rental housing in neighborhoods. The recent ad asking for the boycott of city businesses by students was not understood by the community. He referenced a conversation with Mayor Zeidler about the students' plight in our town and the students' right-to-vote controversy. Students make up half of our citizens and they were being deprived of their right to vote. He believed Council was taking an active part against the students by using tax dollars against the students in their legal battle. Council should have spoken favorably for students. He had been assured by the Mayor that no tax dollars were spent against the students on the voting issue. Council did not stand with the students when they wanted to run for City Council, and what if they had won? People believed the students were smart and what if they would have won? We would not wish them to treat us as we treat them.

Mr. Haulman responded that he works and speaks with students everyday. He does not find the attitude that has been conveyed by Mr. Shelly. If it does exist, it is a small group of students. In part, Mr. Shelly misrepresents students in general and students that live in neighborhoods around the college. Housing conditions are very important. Mr. Haulman referenced a recent fire at a house in Oxford, Ohio, near Miami University of Ohio, where nine students were living and others visiting. Three students died in that fire. We don't want that to happen in Williamsburg. It is a health and safety issue. The city was bound by the Constitution of Virginia to pay the incurred fees of the Voter Registrar regarding the student voting issue. During the election process, Council candidates supported having students involved in voting and involved in the city. Mr. Shelly's comments were not right and cannot stand.

Mayor Zeidler commented about her earlier conversation with Mr. Shelly. At that time it was her understanding that no tax dollars were spent in defense of the Voter Registrar. It was later learned that the city was bound by the State's Constitution to pay the Voter Registrar's legal fees. Council has not stood in the way of student efforts to vote.

Mr. Kranbuehl addressed Council to say that no one was interested in stopping students from living in the neighborhoods, but would like for owners to occupy homes and then be free to rent to students in their home, and to have optimum maintenance and safety standards.

David Andrews, Voter Registrar, City of Williamsburg, commented at no point did Council members have input regarding voter registration policy. Eligibility for voter registration is dictated by the Constitution of Virginia. Council members never attempted to prevent students from voting.

Mr. Freiling noted that in its last Legislative Agenda, Council asked the city's legislative representatives to encourage the General Assembly to remove the ambiguous regulations and language regarding voter eligibility and voting rights, and clarify the regulations for the entire state and its' constituents.

The Mayor noted that last spring, an official college student body representative was added to the Neighborhoods Council. The city has been working to improve communications with students and much progress has been made.

No one else wished to speak. The session was closed.

BACKGROUND PRESENTATIONS/DISCUSSIONS

Overview of W/JCC FY06 School Budget, Superintendent Carol Beers

Dr. Beers, members of the School Board, and staff, presented the School Board's FY 2006 School Budget. Council members received a copy of the presentation materials (see attached).

Ms. Ann Brown, School Board member, thanked Council for their support and for hearing their presentation. It is the legal obligation of the school superintendent to prepare and submit a budget of need to the governing bodies. This budget recognizes the rapid increase in student enrollment and the need to remain competitive. Ms. Brown began the

presentation by reviewing Priority One: Address Enrollment Growth; Priority Two: Improve Staff Compensation/Benefits; and Priority Three: Continue Program Improvements.

Ms. Denise Koch, School Board member, presented Priority Four: Maintain Quality Support for Schools and Students. Projected expenditures and revenues were reported. Not all of the school needs are met in this budget and she noted the “unfunded” requests. In summary, the recommended FY 2005/2006 budget totals \$91,757,842, a 10.55% increase over the current year budget. Ms. Koch concluded by thanking Council for their support of public education.

Mayor Zeidler appreciated the priorities outlined and recognized the importance of keeping quality teachers.

Dr. Beers explained that the recent increased student enrollment included a higher percentage of students with disabilities and autism, thus the need for more Special Education teachers.

Mayor Zeidler said that Mr. Tuttle’s budget recommendation was to fully fund the school budget request.

Mr. Haulman said that it was clear that growth and unfunded mandates were driving the school budget.

Mr. Chohany said that a school system was important to people when they are choosing where to live and work. Dr. Beers responded to Mr. Chohany that the Facilitates Study to rehab schools would be discussed by the board over the coming year, but will not impact the coming year’s budget.

Mr. Scruggs was pleased that the city will fund the board’s request. He made the analogy of investing in a house of brick rather than wood siding, and the value of investing in our school children now or we will pay for it later on. Mr. Scruggs appreciated the people on the School Board that are doing the hard work.

Mr. Freiling appreciated the work of the school board. He shared the same desires and objectives for the best education experience for our children.

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Mr. Thornton, Assistant Superintendent of Finance and Administration, replied to Mr. Freiling that the schools do have long range enrollment projections and capital improvement plans. He said that 85-86% of the operating budget for staffing is driven by enrollment. Enrollment is projected to increased three to four percent a year for the next three to four years which increases the demand for more teachers. Dr. Beers added that remaining competitive with neighboring jurisdictions is difficult, and it is hard to be competitive given the economic growth rate and cost of living.

Mayor Zeidler thanked the School Board and staff for their clear presentations and recognized other members of the board in the audience: Ms. Mary Minor, Ms. Mary Ann Maimone, Mr. John Alewynse, and Ms. Elise Emanuel.

Each of the Council members personally thanked Dr. Beers for her contributions and commitment to the school system. She will be missed.

Public Safety Communications, Police Chief Mike Yost

Reference for this item was Mr. Tuttle's memo dated April 7, 2005. Council members received a map of the area showing the York County/James City County Joint Radio Project Tower Locations.

Chief Yost addressed Council members regarding the benefit and value to the city of participating in the York County-James City County Joint Radio System. When the counties were planning the new 800 MHZ system in 2000/2001, the city decided to stay with its 400 MHZ radio system because of the cost, the type of technology, and interoperability of the equipment. With the installation of the new county radio tower at Berkeley School, city police and fire staff have considered the advantages of joining the new 800 MHZ system. The regional system is now worthy of consideration because the counties' system works well in the city, and the annual cost of \$75,000 to be in full operation on the system is reasonable and a good value. The new system is Project 25 compliant and will have priority for receiving grant money. The city will replace some its equipment.

Mr. Terry Hall, a York County staff member representing the counties, explained the Motorola 800 MHZ system and the tower locations on the map. He noted that the system was very important to providing mutual aid and EMS support for the counties and city. The College of William and Mary has indicated that they intend to join the system and there is a slot open for the City of Poquoson.

Chief Yost and Mayor Zeidler discussed the \$75,000 user fee and the need for interoperability which will benefit our citizens and visitors.

Chief Yost said that funding from Homeland Security should cover any equipment costs to the city, with the exception of the radio room equipment. The counties and city are developing a Memorandum of Understanding that will cover a period of seven years. In two years, the city will start to pay some maintenance costs.

Council members were very supportive of the new system. Mr. Freiling noted the key benefits of the new system such as better coverage, Project 25 compliance, and 911 backup dispatch. Chief Yost said that this technology is advanced and expensive, and state of the art.

Mr. Hall said that all of the infrastructure will be shared and should last for ten years. All participants have been factored into the system including schools, public works, and transportation. This system includes forty mutual aid channels.

Chief Yost said that the \$75,000 fee to join the Joint Radio System is included in the FY 06 budget. The Memorandum of Understanding will be on a future Council agenda for action.

Williamsburg Area Transportation (WAT) Governance

Reference for this item was Mr. Tuttle's report dated April 11, 2005, which included the final report. Ms. Miller said that since September 2004, stakeholders from James City County, York County, William and Mary, Colonial Williamsburg, and the city have been working with

KFH Group, Incorporated, on the next level of governance for the WAT system. Mr. Fred Fravel of KFH will present the final report to Council.

Mr. Fravel presented background information on existing services and the area served. This is a multi-jurisdictional system with multi-jurisdictional support. He explained the potential benefits of the system and noted that improved marketing would increase utilization. Operating costs, cost shares to each entity, and state/federal reimbursement structure and limitations were reviewed. Capital costs, funded in part by the federal and state governments, included fleet replacement and expansion, transit centers, and shelters. The system would be governed by a board, appointed by member stakeholder organizations under a joint powers type of organization. An advisory committee would be comprised of community representatives. (See attached slides.)

Mayor Zeidler commented that the report was well received by the stakeholders. She thanked Mr. Fravel for the encouraging report.

Council members were very pleased with the report and encouraged about one bus system for the area. Mr. Fravel noted that the City of Newport News would make a contribution because one bus route travels to Fort Eustis. While the National Park system would not be a stakeholder, it is possible that they may be part of the contract.

Mr. Fravel said the buses will be maintained by Penske. Large buses would be replaced every twelve years and the smaller buses at five to seven years. ADA Para transit services could be available system wide. Mr. Fravel and Council members discussed the best methods of marketing the system to visitors, and state and federal funding.

Mayor Zeidler said that the Williamsburg Area Transport System will be one of the larger systems in Virginia.

Ms. Miller said that WAT was looking at expansion of routes and discussing the funding formula. She noted that the WAT system has been included in the "Go Williamsburg" campaign information and linked from the city's website.

Options for Improvement of Quarterpath Road Center Section

Reference for this item was Mr. Tuttle's report dated April 4, 2005.

Mr. Nester said that the Quarterpath at Williamsburg development proposed by Riverside Healthcare Systems raises questions about the future of Quarterpath Road. The following options outlined in Mr. Tuttle's report for the center section of Quarterpath Road do not include the costs for additional right-of-way or underground utilities. Riverside will improve the remaining portions of the road. Mr. Nester showed numerous photographs he had taken of the road. Using a map of the Quarterpath Road area, he reviewed the work involved for each option, the costs, and the pros and cons.

Option #1, No Build, at an estimated cost of \$18,000 for frequent maintenance of the unpaved section for grading and re-gravel application.

Option #2, Pedestrian/Bicycle/Park Use, at an estimated cost of \$70,000, would remove traffic from the center portion of the road between Redoubt #2 and the old landfill, and channel traffic through the "Quarterpath at Williamsburg" spine street.

Option #3, Full Improved Roadway—Shoulder and Ditch Cross Section, at an estimated cost of \$2.5 Million with box culvert crossing of Tutter's Creek or \$3.8 Million if a bridge is constructed over the creek. This option would reconstruct the center section of the road between Redoubt 2 and the old landfill. A 30-foot wide road would have two travel lanes with pedestrian and bicycle facilities.

Option #4, Fully Improved Roadway—Curb and Gutter Section, at an estimated cost of \$3.2 Million with a box culvert crossing of Tutter's Creek or \$4.5 Million for a bridge over the creek. This option would reconstruct the center section between Redoubt #2 and the old landfill. A 30-foot wide road would have two travel lanes with pedestrian and bicycle facilities.

Mayor Zeidler thanked Mr. Nester for the information provided. Council members, Mr. Nester and Mr. Tuttle discussed the options.

The Mayor favored Option 2 because it was attractive, she liked the recreation and environmental aspects, and it is affordable.

Mr. Haulman was concerned about the expense of a full service road. The city has a long list of other needs, and how does the city finance this expensive project. It appears that the full service road is not needed to access the future hospital site and he does not see the positives in improving the road. He favored Option 2.

Mr. Tuttle responded to Mr. Chohany that no formal opinions have been heard from Colonial Williamsburg Foundation about right of way issues for Option #3. Urban allocation funds have been designated into the future (10-20 years) for Richmond Road and Treyburn Drive construction projects so urban allocation funds are not available for Quarterpath Road. Mr. Chohany would prefer "Option 2.5" which would be pedestrian/bicycle friendly, with the option to covert to a full service road should urban allocation money become available.

Mr. Scruggs commented that there are difficult challenges on the table. He referred to the importance of the Comprehensive Plan designation for this road. He suggested an alternate path for bicycle/pedestrian, which will be a valuable asset to this new community and the city. Since funding is a key issue, he wondered if the developers might include bicycle and pedestrian paths as part of the development. He did not feel there was a sense of urgency to close the road or to do Option 2.

Mr. Tuttle said that it makes good sense for the Council to state their intent for Quarterpath Road by way of a resolution. There is value in letting people know the city's intent. Mr. Scruggs was concerned that if Council acts on a resolution at this time, it would be the same as closing the road and it would be difficult to change it in the future.

At Mr. Freiling's request, Mr. Nester explained the use of bollards/locks and access into the Fishing Club area. Mr. Phillips said that the city was not abandoning the right-of-way but changing the character of use of the road, and that is within the city's right to do. It would still be a public right-of-way. Should parking be needed for Redoubt Park, Mr. Tuttle said that there is a section of land near Redoubt 1 that is level and good for a parking area. The Community Development Authority dedicated funds could be used for parking area maintenance.

Mr. Nester said that Option 2 does not preclude anything, and it is a safer option.

Concluding the discussion, Mr. Scruggs suggested that Council might like to have citizen input into this process. Mr. Tuttle explained that several opportunities were available for the public to comment on this issue and noted that any change to the center section of the road was years in the future.

Mr. Phillips said that a number of streets (primarily paper streets) have been vacated in the city which requires a public hearing and appointment of viewers, but that is aimed at shutting down a public street and putting it out of existence. This is not the same situation; the use will change but the right-of-way remains. If council closes the road to vehicular traffic, it would have the option to reopen it.

Mr. Tuttle said that the city does not have to do anything with the center section of the road at this time. He suggested that it would be wise to make a statement of intent so that people can plan accordingly. Mayor Zeidler suggested that Mr. Tuttle and staff prepare a general resolution of intent for Council's consideration at the May meeting that does not tie the hands of Council in the future. Council members were willing to consider a resolution in May.

Mr. Scruggs asked that public comment be heard on the four options. Mr. Haulman thought it would be best for Council to provide direction and choose an option.

Mayor Zeidler said that public comments will be heard at the May meeting with consideration of a resolution in June.

Preview of April 14, 2005 Council Meeting: No additional information was requested.

City Council Communications

Neighborhood Council Meeting: Mayor Zeidler said that the City Manager made a presentation to the Council regarding the city budget which led to a good discussion with favorable comments.

New College President: Mayor Zeidler said that she will meet with President Nichol in a few weeks. This is a positive sign for communications between the city and college.

Chamber of Commerce: Mr. Chohany said he was privileged to represent the Chamber of Commerce during a visit to the Raptor 22 Plant and Cape Canaveral along with 25 other civic leaders. He was very impressed with the plane and the protection it provides for the United States.

Williamsburg Area Performing Arts Center: Mr. Freiling reported that the Board met and voted to continue its grass roots efforts to involve the local community in their vision and desire for a performing arts facility in the Williamsburg community.

Schedule of Meetings: April 2005

Council members received a copy of the meeting calendar for April.

OPEN FORUM

Mayor Zeidler opened the comment session. No one wished to speak.
The session was closed.

Mr. Scruggs responded to Mr. Shelly's earlier remarks. He respected a citizen's right to complain or vent. City staff is very responsive to addressing problems. He hoped that the local paper will help all citizens and students understand the process of making a complaint. He welcomed people to call or e-mail council members. There are current ongoing discussions about the number of student renters in a house and what kind of businesses students want adjacent to the college. The city was carrying out the voting process and it never had anything to do with not wanting the students to vote.

Mr. Haulman said the disservice of what was said was that if you look at the channels of communication and relationships between the city and college, and the student body, they are the best that they have been in 30 years. Mr. Shelly's statements were 180 degrees wrong.

Mayor Zeidler did not know what the ad in the paper last spring was about. Mr. Haulman offered that the ad was in the "Remnant" paid for by a student and he was not sure it represented more than a student's opinion. The Mayor said we have made strides in the relationship with students in our community. This Council, staff, and police, have done a lot to get to a good relationship—the best in 30 years.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, regarding appointments to boards and commissions, and two property matters per subparagraph 3, regarding acquisition of property for watershed protection of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body, and one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel concerning franchises. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 5:11 p.m. The Mayor called a five-minute recess.

At 6:02 p.m. Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: April 11, 2005

Motion: Mr. Haulman Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 6:03 p.m.

Approved: May 12, 2005

Jeanne Zeidler
Mayor

Shelia Y. Crist
Clerk of Council